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June 15, 2016

Via FOIA Online

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
Facsimile: (202) 566-2147

Re: Freedom of Information Act Request for Records Associated with the Application of the *Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Saltwater): Cape Cod to Cape Hatteras*

To Whom This May Concern:

This is a request for a public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. Section 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages (including e-mails to and from personal e-mail accounts), minutes, handouts, policy statements, data, technical evaluations or analysis, and studies.

Background

In November 2000, USEPA published the *Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Saltwater): Cape Cod to Cape Hatteras* (hereinafter, "2000 Marine DO Criteria").¹ This Section 304(a) criteria document sets forth an approach for establishing protective dissolved oxygen (DO) criteria in coastal and estuarine waters in the Virginian Province (Cape Hatteras, NC to Cape Cod, MA). In deriving the protective DO criteria, EPA collected and assessed numerous field and laboratory studies that evaluated the impact of low DO conditions on aquatic life. This request seeks any supplemental EPA guidance, issued since the 2000 Marine DO Criteria were published, addressing what, if any, additional studies are required to allow states to

¹ USEPA. *Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Saltwater): Cape Cod to Cape Hatteras*. <http://nepis.epa.gov/Exe/ZyPDF.cgi/20003HYA.PDF?Dockkey=20003HYA.PDF>

adopt and EPA to approve the use of the 2000 Marine DO Criteria as the applicable state water quality standard.

Request

This request seeks any and all records at EPA HQ addressing:

- 1) The need for a state in the Virginian Province to collect additional data prior to updating its existing DO criteria based on the 2000 Marine DO Criteria.
- 2) The scope of studies needed to approve the adoption of the 2000 Marine DO Criteria as “scientifically defensible” by states in the Virginian Province.
- 3) Any EPA document that conditioned the federal approval of updated marine DO criteria based on the state’s agreement to conduct additional ambient and/or ecological studies.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsive to this request and send it to the undersigned at the above address. If the requested record is withheld based upon any asserted privilege, please identify the basis for the non-disclosure.

If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that only the necessary documents are duplicated.

Respectfully,



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